

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION

ULTIMA SERVICES CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	No. 2:20-cv-00041-DCLC-CRW
)	
U.S. DEPARTMENT OF AGRICULTURE,)	
et al.,)	
)	
Defendants.)	

**DEENDANTS’ UNOPPOSED MOTION FOR PROTECTIVE ORDER
REGARDING DATA UNDERLYING DEFENDANTS’ EXPERT REPORT**

Defendants United States Department of Agriculture, the Secretary of Agriculture, the United States Small Business Administration, and the Administrator of the United States Small Business Administration (“Defendants”), by its attorneys, request that the Court enter the attached Protective Order Regarding Data Underlying Defendants’ Expert Report in the above-captioned case. The parties have conferred regarding the proposed Protective Order and agree to its terms. In support of this motion, Defendants state as follows:

1. Defendants have submitted an expert by report by Jon Wainwright, Ph.D.
2. In order to comply with the expert disclosure and discovery obligations in the Federal Rules of Civil Procedure and Local Rules, Defendants need to disclose the data considered by Dr. Wainwright in forming his opinions.
3. The data relied upon by Dr. Wainwright in preparing his expert report contains commercially sensitive proprietary information of NERA Economic Consulting (“NERA”), a private third party.

4. In addition, a significant amount of Dr. Wainwright's intellectual property is contained in the databases he created for purposes of his analysis. The databases have commercial value, and Dr. Wainwright would be harmed if his databases are permitted to be used outside of this litigation.

5. The Parties agree to the entry of a protective order pursuant to Rule 26(c).

6. A proposed Protective Order Regarding Data Underlying Defendants' Expert Report is attached.

THEREFORE, the Parties request that the Court enter the attached proposed Protective Order.

Dated: February 24, 2022

Respectfully submitted,

KAREN D. WOODARD
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CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2022, I electronically filed the above document and attached Stipulated Confidentiality and Protective Order with the Clerk of the Court using the ECF System, which will send notification of such filing to all counsel of record.

/s/ Juliet E. Gray
Juliet E. Gray
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